

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

MAGALI CALO BENITEZ

DEBTOR

CASE NO. 17-03387 ESL

CHAPTER 13

**DEBTOR'S MOTION REQUESTING COURT AUTHORITY TO
INCUR IN CREDIT/MORTGAGE LOAN MODIFICATION**

TO THE HONORABLE COURT:

NOW COMES, **MAGALI CALO BENITEZ**, the Debtor, through the undersigned attorney, and very respectfully states and prays as follows:

1. On May 15, 2017, the Debtor filed the above captioned bankruptcy case under Chapter 13, 11 USC §§1301 *et. seq.*
2. The Debtor's *Chapter 13 Plan*, Docket No. 16, was confirmed on August 04, 2017, Docket No. 23, and a post-confirmation modified Plan, Docket No. 61, was approved on January 22, 2020, Docket No. 71, in the above captioned case.
3. Secured creditor Banco Popular de Puerto Rico ("BPPR") has offered the Debtor a mortgage loan modification under the Loss Mitigation Program, whereby the Debtor will reduce her monthly mortgage loan payments from \$761.32 (See: *Notice of Mortgage Payment Change*, dated 12/26/2019) to \$550.79.
3. A copy of BPPR's modification offer dated 02/15/2020 is hereby attached to this motion, which final approval is pending the Court's disposition of this request for authority to incur in said post-petition mortgage loan modification.
4. The Debtor needs this modification in order to continue making current direct post-petition mortgage loan payments to BPPR on her residential real property.

Page - 2-
Debtor's Request for Court
Authority/Loan Modification
Case no. 17-03387 ESL13

5. The Debtor is able to pay BPPR the sum of \$550.79 in order to pay the direct post-petition mortgage loan payments to said creditor.

6. The Debtor is current in her confirmed Plan payments to the Trustee and respectfully understands that she has the financial ability to incur in the loan modification with BPPR to pay the \$550.79 per month, thus, she [the Debtor] respectfully requests that the Court grant authorization to incur in this post-petition loan modification and continue with the closing of this loan modification with BPPR, which will allow the Debtor to retain possession of her residential real property.

7. The Debtor hereby requests authorization from the Court to:

a. incur in a post-petition mortgage loan modification with secured creditor BPPR.

8. Based on the aforementioned, the Debtor respectfully requests this motion be granted and the Court to enter an Order allowing the Debtor to incur in the post-petition loan modification as herein described. 11 U.S.C. Section 364; Rule 4001 (c) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, the Debtor respectfully requests this Honorable Court grant the present motion authorizing this request to incur in post-petition loan modification, as herein submitted.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this

Page - 3-
Debtor's Request for Court
Authority/Loan Modification
Case no. 17-03387 ESL13

paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which sill send notice of same to the Chapter 13 Trustee and all CM/ECF system participants; I also certify that a copy of this motion was sent via US Mail to the Debtor; and to all creditors and parties in interest (CM/ECF non-participants) appearing in the master address list, hereby attached.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 21st day of July, 2020.

/s/Roberto Figueroa Carrasquillo
USDC #203624
RFIGUEROA CARRASQUILLO LAW OFFICE PSC
ATTORNEY FOR the DEBTOR
PO BOX 186 CAGUAS PR 00726
TEL NO 787-744-7699 787-963-7699
FAX 787-746-5294
Email: rfc@rfigueroalaw.com



BANCO POPULAR DE PUERTO RICO
PO BOX 362708
SAN JUAN PR 00936-2708

15 de febrero de 2020

Magali Calo-Benitez
PO Box 2730
Juncos PR 00777

²³

PRÉSTAMO HIPOTECARIO: 0701401986

Estimado(s) Cliente(s):

En Banco Popular nuestra prioridad es atender las necesidades de nuestros clientes. Por eso, agradecemos su solicitud de evaluación relacionada a su préstamo hipotecario, bajo nuestro Programa de Mitigación de Pérdidas.

Deseamos informarle que, luego de una evaluación de la información provista por usted, se le ha aprobado comenzar un periodo de prueba. Este es el primer paso para cualificar para una modificación de su préstamo o un reclamo parcial, por tal razón es importante que usted lea completamente esta información para que conozca los pasos que usted debe seguir para completar exitosamente este periodo de prueba.

Usted debe contactarnos al 787-522-1544 o si reside fuera del área metropolitana, llame libre de cargos al 1-855-220-2201 para indicarnos su decisión respecto a esta oferta y formalizar el acuerdo, en o antes del 02-29-20. También puede visitarnos a nuestras oficinas:

Area Metro:
Edificio Centro Europa Suite 201
1492 Ave Ponce De León
San Juan, PR 00907

Area Oeste:
Edificio Banco Popular Piso 4
15 calle Mendez Vigo Oeste
Mayaguez, PR 00681

Una vez formalizado el acuerdo, es necesario que realice el primer pago del periodo de prueba, en o antes del 03-01-20. Una vez hecho esto, si ya su préstamo hipotecario fue referido a cobros mediante vía judicial, se detendrá el proceso legal. No obstante, de usted no aceptar esta oferta y/o no cumplir con el primer pago de este periodo de prueba para la fecha antes mencionada, iniciaría o continuaría el proceso legal.

Para completar con éxito este periodo de prueba, usted debe hacer los pagos según desglosados a continuación:

Cantidad del pago	Fecha del pago:
\$ 550.79	03-01-20
\$ 550.79	04-01-20
\$ 550.79	05-01-20

Si usted no realiza algún pago o no cumple con el acuerdo, el mismo se dará por terminado.

Es importante indicarle que la cantidad del pago de las mensualidades de su préstamo hipotecario y todos los términos de su préstamo original permanecerán inalterados y no variarán mientras dure el periodo de prueba previo a la alternativa. Si la alternativa que se proveerá al finalizar el periodo de prueba es una modificación, la misma estará sujeta a que el título de la propiedad esté libre de gravámenes. Si es un préstamo con segunda hipoteca, la modificación estará sujeta a la aprobación para subordinarse, del tenedor en segundo rango. Si durante este periodo de prueba usted radicara quiebra, el mismo quedará cancelado de inmediato. No recibirá una notificación adicional para evitar un posible incumplimiento con la ley de quiebra.

Es importante que usted revise detalladamente la información incluida de Preguntas Frecuentes, Periodo de Prueba y Avisos Legales.

De usted tener dudas relacionadas a la información provista en esta carta, favor de comunicarse con nosotros al 787-522-1544 o libre de cargos al 1-855-220-2201. De igual forma puede contactarnos, si usted entiende que no podrá cumplir con el periodo de prueba informado, pero interesa retener su propiedad o, si decide disponer de la misma.

Atentamente,

Unidad de Mitigación de Pérdidas.
LM196

Label Matrix for local noticing

0104-3

Case 17-03387-ESL13

District of Puerto Rico

Old San Juan

Tue Jul 21 11:11:13 AST 2020

EDUCOOP

PEDRO I TORRES AMADOR ESQ

PO BOX 364966

SAN JUAN, PR 00936-4966

BANCO POPULAR DE PUERTO RICO

MARTINEZ & TORRES LAW OFFICES, P.S.C.

PO BOX 192938

SAN JUAN, PR 00919-3409

COOP A/C DEL VALENCIANO

LUIS FRED SALGADO, ESQ

PMB 15

267 CALLE SIERRA MORENA

SAN JUAN, PR 00926-5574

US Bankruptcy Court District of P.R.

Jose V Toledo Fed Bldg & US Courthouse

300 Recinto Sur Street, Room 109

San Juan, PR 00901-1964

AEE

PO Box 363508

San Juan, PR 00936-3508

AEELA

PO Box 364508

San Juan, PR 00936-4508

Banco Popular De Puerto

209 Munoz Rivera Ave

San Juan, PR 00918

Citi

PO Box 6190

Sioux Falls, SD 57117-6190

Coop A/C Valenciano

PO Box 1510

Juncos, PR 00777-1510

Departamento de Hacienda

PO Box 9024140

San Juan, PR 00902-4140

Dsnb Macys

PO Box 8218

Mason, OH 45040-8218

EDUCOOP

PO BOX 364966

SAN JUAN PR 00936-4966

Educoop

PO Box 1283

Caguas, PR 00726-1283

Educoop

PO Box 192770

San Juan, PR 00919-2770

Islandfin

PO Box 71504

San Juan, PR 00936-8604

(p) JEFFERSON CAPITAL SYSTEMS LLC

PO BOX 7999

SAINT CLOUD MN 56302-7999

MIDLAND FUNDING LLC

PO BOX 2011

WARREN, MI 48090-2011

Pentagon Federal Cr Un

PO Box 1432

Alexandria, VA 22313-1432

Quantum3 Group LLC as agent for

MOMA Funding LLC

PO Box 788

Kirkland, WA 98083-0788

Sears/Cbna

PO Box 6282

Sioux Falls, SD 57117-6282

Sistema de Retiro Maestros-Pensionados

Edif Capital Center Torre Ave Arterial H

San Juan, PR 00919-1879

Synch/Car Care Pep Boy

4125 Windward Plz

Alpharetta, GA 30005-8738

Synch/Jc Penney Pr

PO Box 965007

Orlando, FL 32896-5007

Synch/Sams Club

PO Box 965005

Orlando, FL 32896-5005

Synch/Walmart

PO Box 965024

El Paso, TX 79998

Synch/Walmart DC

PO Box 965024

Orlando, FL 32896-5024

Synch/tjx Cos

PO Box 965005

Orlando, FL 32896-5005

ALEJANDRO OLIVERAS RIVERA

ALEJANDRO OLIVERAS CHAPTER 13 TRUS

PO BOX 9024062

SAN JUAN, PR 00902-4062

MAGALI CALO BENITEZ

PO BOX 2730

JUNCOS, PR 00777-2730

MONSITA LECAROZ ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILLO
PO BOX 186
CAGUAS, PR 00726-0186

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Jefferson Capital Systems LLC
Po Box 7999
Saint Cloud Mn 56302-9617

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) BANCO POPULAR DE PUERTO RICO	End of Label Matrix
MARTINEZ & TORRES LAW OFFICES, P.S.C	Mailable recipients 31
PO. BOX 192938	Bypassed recipients 1
SAN JUAN, PR 00919-3409	Total 32